

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JANICE McCOLLUM
Plaintiff

v.

AMTREN, INC.,
Defendant

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Case No. 2:-05-cv-1237-WKW

(JURY DEMAND)

AFFIDAVIT OF PLAINTIFF'S COUNSEL

COMES NOW Jimmy Jacobs, counsel for the plaintiff in this action and states as follows:

I served properly promulgated discovery requests upon counsel for the defendants on April 17, 2006. Counsel for the defendants submitted partial responses to these requests on or about June 28, 2006. Although the defendant posited general objections to all of the plaintiff's requests, it provided responses to some of the requests; offered to produce other responses at a mutually agreeable time; and, refused to provide responses to other requests by citing various grounds including a lack of relevance and materiality.

Counsel for the parties conferred regarding the outstanding discovery on several occasions. The plaintiff reiterated her requests for the outstanding material in her Notice of Deposition *Duces Tecum* for the date of October 25th and again in her Re-Notice for the date of November 15, 2006. The defendant did not produce all of the requested materials at its deposition, and counsel conferred again following the deposition. Counsel agreed to produce certain of the outstanding materials for inspection and copying at a later date, and did so on November 29th. These materials were subsequently copied and delivered via the Defendant's First Supplemental Discovery Response on December

1, 2006.

Notwithstanding these efforts, there are outstanding discovery requests which the defendant has refused to provide. A motion to compel responses to the remaining requests has been filed with the Court. The materials which the plaintiff seeks through the Court in her motion are essential to her ability to properly respond to the claims and defenses set forth in the defendant's motion for summary judgment, now pending before the Court. Counsel for the parties have made diligent efforts to amicably resolve their disputes and complete discovery in this case, but I have been unable to obtain documentation that is clearly relevant and material to the claims the defendant makes in support of its termination of the plaintiff's employment.

This affidavit is made from personal knowledge, with reference to the record in this matter, and is made by me as an officer of the court.

Respectfully submitted this 14th day of December, 2006.

/s/**Jimmy Jacobs**

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